

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SHELDON ROMERO, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

ABCZ CORP., ABCZ II MGMT. CORP.,
SUSHI FUN DINING & CATERING, INC.,
PACIFIC CLUB HOLDINGS, INC., WEST
20TH ENTERPRISES CORP., SELIM "SAM"
ZHERKA and JOHN DOES #1-10, Jointly and
Severally,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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14 Civ. 3653 (AT)

ORDER

By letter dated September 2, 2014, Plaintiff requests a pre-motion conference on a proposed motion to dismiss Defendants' counterclaim for "unjust enrichment – offset." By letter dated September 10, 2014, Defendants withdraw their counterclaim. Accordingly, Plaintiff's request for a pre-motion conference is DENIED as moot. Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Defendants' counterclaim is dismissed without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(A)(i), (c).

The Clerk of Court is directed to terminate the motion at ECF No. 22.

SO ORDERED.

Dated: September 10, 2014
New York, New York



ANALISA TORRES
United States District Judge